

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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BUDDHA BODAI KOSHER VEGETARIAN
RESTAURANT, INC.

Opposer,

Opposition No. 91224857

86480751

v.

BUDDHA BODAI ONE VEGETARIAN RESTAURANT,
INC.

Applicant.
-----X

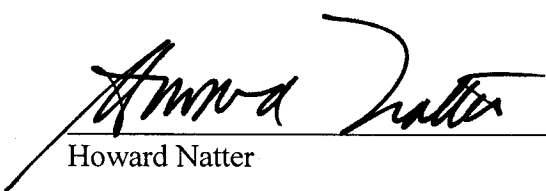
CERTIFICATE OF MAILING

FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First-class mail in an envelope addressed to:

Attn: Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451.

Dated: December 23, 2015


Howard Natter



12/23/2015

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**APPLICANT'S ANSWER TO AMENDED
NOTICE OF OPPOSITION, AFFIRMATIVE
DEFENSES AND COUNTERCLAIM**

Pursuant to Trademark Rule 2.106, Buddha Bodai One Vegetarian Restaurant, Inc. ("Applicant"), by its attorneys, Natter & Natter, saving and reserving unto itself, all benefit, advantage, or exception which can or may be had or taken into errors, insufficiencies, uncertainties and imperfections in the notice of opposition, answers as follows:

1. Applicant lacks sufficient knowledge or information to form a belief as to the truth of and therefore denies the averments in the notice of opposition contained in paragraph "1".
2. Applicant lacks sufficient knowledge or information to form a belief as to the truth of and therefore denies the averments in the notice of opposition contained in paragraph "2".

3. Applicant lacks sufficient knowledge or information to form a belief as to the truth of and therefore denies the averments in the notice of opposition contained in paragraph "3".

4. Applicant lacks sufficient knowledge or information to form a belief as to the truth of and therefore denies the averments in the notice of opposition contained in paragraph "4".

5. Applicant lacks sufficient knowledge or information to form a belief as to the truth of and therefore denies the averments in the notice of opposition contained in paragraph "5".

6. Applicant makes no answer to the averments set forth in paragraph "6" of the notice of opposition to the extent those averments state legal conclusions rather than facts and otherwise denies the averments of paragraph "6" of the notice of opposition.

7. Applicant admits the averments consistent with the records in the USPTO but denies the averments as to Applicant's services in paragraph "7" of the notice of opposition.

8. Applicant lacks sufficient knowledge or information to form a belief as to the truth of and therefore denies the averments in the notice of opposition contained in paragraph "8".

9. Applicant denies the averments contained in paragraph "9" of the notice of opposition.

10. Applicant denies the averments contained in paragraph "10" of the notice of opposition.

11. Applicant makes no answer to the averments set forth in paragraph "11" of the notice of opposition to the extent those averments state legal conclusions rather than facts and otherwise denies the averments of paragraph "11" of the notice of opposition.

12. Applicant makes no answer to the averments set forth in paragraph "12" of the notice of opposition to the extent those averments state legal conclusions rather than facts and otherwise denies the averments of paragraph "12" of the notice of opposition.

13. Applicant denies the averments contained in paragraph "13" of the notice of opposition.

14. Applicant denies the averments contained in paragraph "14" of the notice of opposition.

15. Applicant denies the averments contained in paragraph "15" of the notice of opposition.

AS AND FOR A FIRST COUNTERCLAIM

16. Applicant was incorporated in the State of New York on April 10, 2014.

17. Applicant filed the opposed application based on use of the mark in commerce at least as early as May, 2014.

18. Opposer was incorporated in the State of New York on December 3, 2014.

19. Opposer could not have used its mark prior to December 3, 2014.

20. Applicant has priority of use and is therefore entitled to registration as the senior user.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

21. Applicant states that each of the purported claims set forth in the notice of opposition is barred in whole or in part by the doctrine of unclean hands.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

22. Applicant states that each of the purported claims set forth in the notice of opposition is barred in whole or in part by the doctrine of laches.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

23. Applicant states that each of the purported claims set forth in the notice of opposition is barred in whole or in part by the doctrines of waiver and acquiescence.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE


24. Applicant states that each of the purported claims set forth in the notice of opposition is barred in whole or in part by the doctrine of equitable estoppel.

Having made full answer to the notice of opposition or such parts or portions thereof as believed material to make answer Applicant respectfully requests that this opposition proceeding be dismissed, with prejudice, and that registration issue forthwith.

Dated: New York, New York
December 23, 2015

Respectfully submitted,

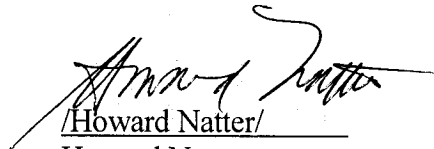
NATTER & NATTER
Attorneys for Applicant
501 Fifth Avenue, Suite 808
New York NY 10017
(212) 840-8300

By  /Howard Natter/
Howard Natter

CERTIFICATE OF SERVICE

This will certify that on the 23rd day of December, 2015 a true and correct copy of the **APPLICANT'S ANSWER TO AMENDED NOTICE OF OPPOSITION, AFFIRMATIVE DEFENSES AND COUNTERCLAIM** was mailed, first class, postage prepaid to attorneys for Opposer as follows:

Hazel F. Chin, Esq.
Hazel F. Chin Law Offices, P.C.
36-09 Main Street, Suite 7C
Flushing, NY 11354-6504.



Howard Natter